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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,537	07/19/2004	Daniel Frederick Noll		4536

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DANIEL F. NOLL
791 OLDE SETTLER PLACE
COLUMBUS, OH 43214

EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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08/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/710,537

Applicant(s)

NOLL, DANIEL FREDERICK

Examiner

Chi Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/19/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to applicant's patent application filed on 7/19/2004.

Specification

The disclosure is objected to because of the following informalities: applicant is advised to take out brackets for a title of the invention.

Appropriate correction is required.

Claim Objections

Claims 6-11 are objected to because of the following informalities: in regard independent claim 6, the claimed preamble sets forth a subcombination of a metallic cabinet door organizer and an inner panel of cabinet door is not positively claimed. However, in claim 11 a cited limitation "wherein said metal plate is secured to the cabinet door within the inner rabbet of the cabinet door's outer frame", which sets forth positive relationship between the metallic cabinet door organizer and the inner panel of cabinet door, and thus appears to a combination. If applicant intends to claim a combination of the metallic cabinet door organizer and the inner panel of cabinet door, then the preamble must be amended to clearly reflect this. At the present, the claims are being treated as subcombination of a metallic cabinet door organizer. Since the dependent claims 7-11 depending upon the objected independent claim 6 are also objected.

Claims 1-11 are objected to because of the following informalities: Claims 1 and 6, a citation "the inside of the inner panel" does not have antecedent basis. Appropriate correction is required. Depending claims 2-5 and 7-11 depending upon the objected

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claims 1 and 6 are also objected. And claim 11, a citation "the inner rabbet" does not have antecedent basis.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 6, and 10, the phrase "an optional" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Claims 2-5, and 7-9 and 11 depending upon the rejected claims 1, 6, and 10 are also rejected. Furthermore, claim 1, lines 2, 6, and 9, cite "a cabinet door" is confusing because it does not clear if it's the same cabinet door.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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As best understood, claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,988,342 to Luetgert et al.

Claim 1:

Luetgerts discloses a door skin for cabinet doors (col. 1, line 10) comprising: a flat metal plate D (see col. 7, lines 59-60); an optional adhesive agent layer for adhering said flat metal plate to the inner panel of a cabinet door; an optional color and/or other coating/sealant applied to the said metal plate (see col. 5, line 9, col. 6, line 26); and optional anchoring hardware for anchoring said metal plate to the inside of the inner panel of a cabinet door. Note: a phrase "optional" does not require the prior art to meet the applicant's claimed limitation.

Claim 2:

Wherein said flat metal plate is non-corrosive (col. 8, line 11).

Claim 3:

Wherein said flat metal plate is covered with a color agent layer (col. 9, lines 12-15).

Claim 4:

Wherein said flat metal plate is covered with a protective agent layer (col. 5, lines 9-10).

Claim 5:

Wherein said color agent layer is covered with a protective layer (col. 9, lines 12-15).

Claim 6:

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Luetgerts discloses a door for cabinet system comprising: a flat metal plate D (col. 7, lines 59-60); an optional adhesive agent layer for adhering said flat metal plate to the inner panel of a cabinet door; a color and sealant applied (col. 9, lines 12-15) to the said metal plate; and inherently having an anchoring hardware for anchoring said metal plate to the cabinet door.

Claim 7:

Wherein said flat metal plate is non-corrosive (col. 8, line 11).

Claim 8:

Wherein said flat metal plate is covered with a color agent layer (col. 9, lines 12-15).

Claim 9:

Wherein said flat metal plate is covered with a protective agent layer (col. 5, lines 9-10).

Claim 10:

Wherein said color agent layer is covered with an optional protective agent layer.

Claim 11: (see above objections)

Wherein said metal plate is capable of securing to the cabinet door within the inner rabbet of the cabinet door's outer frame.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

CQN

7/26/2007

Bartholomew
AKA Nguyen
Art Unit 3635
8/3/07